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In re Application of
SCHOFIELD et al.

Application No.: 09/868,879

PCT No.: PCT/GB99/04399

Int. Filing Date: 23 December 1999

Priority Date: 24 December 1998

Attorney Docket No.: 55908(46322)

For: GLYCOSYL PHOSPHATIDYL INOSITOL
SPECIFIC PHOSPHOLIPASE D PROTEINS AND
USES THEREOF

DECISION ON

PETITION UNDER

37 CFR 1.137(b)

This decision is in response to the "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)" submitted by applicants on 13 December 2001.

BACKGROUND

On 23 December 1999, applicants filed international application PCT/GB99/04399, which claimed a priority date of 24 December 1998. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 06 July 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 08 June 2000, which was within nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 25 June 2001 (24 June 2001 being a Sunday).

On 22 June 2001, applicants filed a submission for entry into the national stage in the United States. The U.S. Basic National Fee was not included.

On 20 November 2001, the USPTO mailed a NOTIFICATION OF ABANDONMENT indicating that the application was abandoned as to the United States of America for failure to pay the U.S. Basic National Fee by thirty months from the priority date.

On 13 December 2001, applicants filed the instant "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)", which was accompanied by, *inter alia*, a declaration of inventors, an assertion of small entity status, and the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicants submitted the basic national fee for a small entity on 13 December 2001.

As to item (2), applicants submitted the petition fee of \$640.00 for a small entity on 13 December 2001.

With regard to item (3), petitioner has provided the required statement.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The declaration filed 13 December 2001 complies with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct any further correspondence with respect to this matter to the Commissioner of Patents and Trademarks, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including according the application a 35 U.S.C. 371(c) date of **13 December 2001**.



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